

Amendments to the Claims

1-16. (canceled)

17. (currently amended) A messaging method, comprising:
selecting a message type for a message for delivery to at least one selected recipient;
evaluating application presence data associated with a recipient activity status record for
an initiated application associated with the selected message type;
evaluating a timeliness indicator associated with the message; and
processing the message based on the evaluation evaluations, the processing comprising
determining whether to deliver the message to the selected recipient based at least in part on the
timeliness indicator,
wherein the status record is modified as a result of querying to determine if the
application has been recently accessed.

18. (previously presented) The method of claim 17, further comprising obtaining the
application presence data from a presence repository.

19. (previously presented) The method of claim 17, further comprising obtaining the
application presence data from an application server.

20. (original) The method of claim 17, further comprising delivering the message to
the user if the evaluation indicates that the recipient is available.

21. (original) The method of claim 17, further comprising discarding the message if
the evaluation indicates that the recipient is unavailable.

22. (original) The method of claim 17, further comprising directing the message to a
destination selected based on the evaluation.

23-36. (canceled)

37. (previously presented) The messaging method of claim 17, wherein the selected application is at least one of a chat application and an instant messaging application.

38. (previously presented) The messaging method of claim 17, wherein the recipient activity status record indicates how recently the initiated application has been accessed.

39. (previously presented) The messaging method of claim 38, wherein the recipient activity status record indicates how often the initiated application has been accessed.

40. (previously presented) The messaging method of claim 17, wherein the recipient activity status record indicates how often the initiated application has been accessed.

41. (previously presented) The messaging method of claim 17, further comprising sending an alert to a user and updating the recipient activity status record based on a response to the alert.

42. (previously presented) The messaging method of claim 17, further comprising selecting a time interval, and updating the recipient activity status record based user access to the initiated application during the time interval.

43. (previously presented) The messaging method of claim 17, wherein the application presence data is contained within a first network and the initiated application is executing on a second network.

44. (currently amended) A messaging method, comprising:
selecting a message type for a message for delivery to at least one selected recipient;
evaluating application presence data associated with a recipient activity status record for an application associated with the selected message type;
evaluating a timeliness indicator associated with the message; and

processing the message based on the evaluation evaluations, the processing comprising determining whether to deliver the message to the selected recipient based at least in part on the timeliness indicator,

wherein the status record is modified without initiating the application.

45. (currently amended) A messaging method, comprising:
selecting a message type for a message for delivery to at least one selected recipient;
evaluating application presence data associated with a recipient activity status record for an initiated application associated with the selected message type, wherein the presence data comprises an indicator of whether a cell phone associated with the selected recipient is operating in data mode or in voice mode; and
processing the message based on the evaluation,
wherein the status record is modified as a result of querying to determine if the application has been recently initiated.

46. (previously presented) The method of claim 44, further comprising obtaining the application presence data from a presence repository.

47. (previously presented) The method of claim 44, further comprising obtaining the application presence data from an application server.

48. (previously presented) The method of claim 44, further comprising delivering the message to the user if the evaluation indicates that the recipient is available.

49. (previously presented) The method of claim 44, further comprising discarding the message if the evaluation indicates that the recipient is unavailable.

50. (previously presented) The method of claim 45, further comprising obtaining the application presence data from a presence repository.

51. (previously presented) The method of claim 45, further comprising obtaining the application presence data from an application server.

52. (previously presented) The method of claim 45, further comprising delivering the message to the user if the evaluation indicates that the recipient is available.

53. (previously presented) The method of claim 45, further comprising discarding the message if the evaluation indicates that the recipient is unavailable.

54. (new) The method of claim 17, wherein the message is associated with an event time, and wherein processing the message based on the evaluations further comprises discarding the message as a result of a determination that the application presence data indicates that the user is not available to receive the message before the event time.

55. (new) The method of claim 17, wherein the message is associated with an event time, and wherein processing the message based on the evaluations further comprises rerouting the message as a result of a determination that the application presence data indicates that the user is not available to receive the message before the event time.